

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

DAVID L. HOWARD,

Plaintiff,

v.

**JO ANNE B. BARNHART,
Commissioner of the Social
Security Administration,**

Defendant.

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CIVIL ACTION NO.

SA-06-CV-0790 FB (NN)

**ORDER DENYING PETITION FOR REVIEW CONSTRUED AS A MOTION FOR
RECONSIDERATION (DOCKET ENTRY 7)**

The matter before the Court is plaintiff's petition for review, which I have construed as a motion for reconsideration of the Order of September 27th (docket entry 4). In that Order I granted defendant's request that plaintiff be required to supply his social security number so that a transcript and other records concerning his application for disability benefits could be assembled and an answer filed. Plaintiff now objects to the September 27th Order on procedural grounds: that it was granted without defendant having formally requested the information through a discovery process authorized by the Federal Rules of Civil Procedure and before plaintiff was allowed the opportunity to file a formal response to the motion, and that the order was entered by a United States Magistrate Judge.

As an initial matter, plaintiff is advised that the Magistrate Judge is authorized to enter non-dispositive orders such as that entered in this case, with or without the consent of the parties.¹ Plaintiff's request for reconsideration of the Order on this basis is denied.

¹ 28 U.S.C. §636(b)(1)(A).

Plaintiff's remaining arguments have been considered. Defendant's request for plaintiff's social security number is akin to a motion for more definite statement, authorized by the rules of procedure when a pleading is so vague or ambiguous that defendant "cannot reasonably be required to frame a responsive pleading."² Clearly, without plaintiff's social security number, defendant cannot locate the administrative records relevant to this dispute and frame her responsive pleading to plaintiff's complaint. Without that record, this case cannot proceed and plaintiff's request for review of the final decision of the Social Security Administration cannot move forward. Although the motion was granted before the expiration of the time for filing a response,³ plaintiff has now filed his response. His objections to the defendant's request do not provide a basis for his refusal to provide his SSN.

Having considered plaintiff's arguments and objections, it is **ORDERED** that his petition for review, which has been construed as a motion to reconsider, is **DENIED**.

SIGNED on October 11, 2006.

/s/

NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE

²FED. R. CIV. P. 12(e).

³Local Rule CV-7(d).